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Defendant in Illicit Export of Bombers to Portugal

Says C.I.A. Backed Sale

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BUFFALO, Sept. 21—The attorney for a British pilot accused of illegally flying war planes to Portugal accused the United States today of having secretly sponsored the flights in contradiction of its own policy.

The lawyer, Edwin Marger, who is acting in behalf of John Richard Hawke, the accused pilot, told a jury in Federal District Court that the Central Intelligence Agency was behind the operation last year.

"All through this trial, the spooks will appear," he told a jury of 10 men and two women in his opening statement. He explained that "spooks" is a colloquialism in some circles for agents of the C.I.A.

Mr. Marger contended that the flights, which involved the transporting of seven B-26 bombers to Portugal from May to August of last year, were carried out with the full knowledge and cooperation of the intelligence agency.

Although he did not specify in his statement just what the planes were to be used for, he said privately that Portugal wanted the aircraft for use against Communist Chinese-trained elements reported to be preparing at that time to cross the borders of Angola and Mo-

zambique, two of Portugal's African territories.

Mr. Marger, who is one of three defense lawyers, told the jury that the flights, far from being clandestine, were carried out in the open.

"We have flight plans filed by Mr. Hawke as well as fuel bills and custom declarations," he asserted. "The pilot even accidentally flew over the White House, prohibited territory, causing an investigation by the Federal Aviation Agency."

Mr. Hawke is among three defendants on trial here, charged with conspiracy and violation of the Munitions Control Act, which forbids the export or import of armament or war materiel without a license from the State Department.

U.S. Witnesses Sought

It was learned today that the defense hoped to subpoena several high-ranking present and former officials of the C.I.A. as well as one or two prominent political figures.

The other defendants are Count Henri Marie François de Montmarin, a French airplane broker, and Woodrow Wilson Roderick, a former resident of Winnipeg, Canada, said to be the middle man in the case.

The alleged leader of the operation has been identified as

Gregory R. Board, owner of Aero Associates, Inc., of Tucson, Ariz. He is now living on the island of Jamaica.

Mr. Marger contended in his statement that the Government allowed Mr. Board to leave the country. He also charged that Federal authorities had done nothing to get him back for trial.

The attorney also asserted that Federal authorities were aware of the seven flights and did nothing to stop them. He said the bombers had been inspected during refueling stops by both customs agents and members of the Federal Bureau of Investigation.

"There were many little men in black suits who spoke to him and helped him on his secret way to Europe," Mr. Marger said of Mr. Hawke's flights.

The attorney for Mr. Montmarin, Edward Brodsky of New York, told the jury that his client knew nothing of licensing regulations and had "every reason to believe that all the necessary papers had been obtained by Mr. Board."

Translator Present

Mr. Montmarin, who speaks virtually no English, had the

services of a translator during the trial.

The third defendant, Mr. Roderick, is represented by Paul I. Birzon of Buffalo, who did not make an opening statement.

For the Government, United States Attorney John T. Curtin said that the prosecution would prove that all three defendants were guilty of violating Federal law.

Late last year the United States told United Nations delegates that the flights had been carried out without the knowledge of the Government.

Earlier, Zoltan Szilagyi, a Hungarian delegate, had charged that the bombers had been delivered on the secret instructions of the United States, in violation of its pledge to the United Nations that no such aircraft would be sold to Portugal because of the possibility that they might be used in Africa.

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